

SESSION OF 2020

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2507

As Amended by House Committee on
Commerce, Labor and Economic Development

Brief*

HB 2507, as amended, would exempt businesses from certain liability claims arising from a secondary student engaged in a “work-based learning program,” as that term would be defined by the bill. Provided the school district of the secondary student has purchased the applicable insurance coverage, a business would not be subject to the following civil liabilities occurring during the student’s participation in a work-based learning program:

- A claim arising from the student’s negligent act or omission; and
- A claim for bodily injury to the student or sickness or death by accident of the student.

The school district would be solely responsible for a student’s loss due to bodily injury, sickness, or death caused by accident due to a negligent act or omission caused by the student or business. The bill would not provide immunity for the student or business for gross negligence or willful misconduct. The bill would broaden the concept of school-sponsored activity to include transportation to and from a work-based learning program, which would then grant discretion to the school district to purchase liability insurance.

Background

The bill was introduced by Representative Tarwater and 29 other representatives. In the House Commerce, Labor and Economic Development hearing, representatives of various

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

agribusiness associations, chambers of commerce, and the Kansas Society for Human Resource Management spoke in favor of the bill, stating the legislation would encourage student participation in vocational and technical training programs and create awareness of career opportunities for young workers. The State Fire Marshal also spoke in favor of the bill, suggesting the legislation be broadened to include local and state agencies and regent institutions' programs that are responsible for first responder services. Written-only proponent testimony was provided by representatives of Aligned, the chambers of commerce for Overland Park and Wichita, and the Kansas Cooperative Council.

A representative of the Kansas Trial Lawyers Association spoke in opposition to the bill, stating it does not clarify insurance coverage responsibilities or the status of student employees for purposes of Workers Compensation.

Representatives of the Kansas Association of School Boards and United School Administrators of Kansas provided written-only neutral testimony, stating it may be difficult or cost prohibitive for a school district to obtain liability insurance for work-learning situations that district personnel cannot affect or control.

The House Committee amended the bill to:

- Delete the provision that would have granted civil liability to students in certain circumstances; and
- Specify as a condition precedent for a student's participation in a learning program that a school district must purchase the applicable insurance coverage.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department of Education states any increase in insurance premium costs would be borne by local districts.